

MINERVA J. BURTON.

JANUARY 19, 1904.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWN of Pennsylvania, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 219.]

The Committee on Pensions, to whom was referred the bill (H. R. 219) granting a pension to Minerva J. Burton, widow of Thomas Burton, beg leave to submit the following report, and recommend that said bill do pass with amendment.

On March 3, 1886, this claimant, Minerva J. Burton, who resides at Jonesboro, Tenn., filed an application for pension, declaring that she is the widow of Thomas Burton, who served as a private in Company L, Fifth Tennessee Volunteers, war with Mexico, and that he died February 21, 1886, of disease arising in said service. The soldier himself was a pensioner at \$8 per month at the time of his death, on account of disabilities incurred in service and line of duty. This claimant declared that she married the soldier June 16, 1850, and that at the time of her marriage to him he had a former wife living from whom he had been divorced about 1848.

The Pension Bureau sent the claim to the field for special examination and it was found, in effect, that about 1838 or 1839 the soldier married one Nancy C. Tatem in Virginia and that two or three years subsequent to his marriage to Nancy he left her for the alleged purpose of seeking a situation or employment, promising at the same time to send for her; further, that she occasionally received letters from him and sometimes money, but at last she ceased to hear from him, and after the lapse of at least eight years she remarried to one Joseph L. Robinson in 1849. Robinson died in Richmond, Va., during the period of the civil war. The special examiner at the time of the investigation in 1886 located the first wife, Nancy, then 65 years old and living at Richmond, Va., and she admitted that she never got a divorce from Burton, the soldier, but after seven or eight years of absence on the latter's part concluded he was dead and married Robinson. The soldier himself may have believed that his first wife had a divorce when

he married this claimant, Minerva, as some old correspondence in the case shows that in 1850 he was informed that his first wife had obtained a "divorcement."

The claimant's own deposition, taken before a special examiner on November 22, 1887, is in part as follows:

I have no personal knowledge that the soldier had a wife previous to his marriage to me, but he told me that he had been married previously to Nancy C. Tatum in Virginia. He brought me a letter from some of his people at his former home in Virginia containing the information that his said wife, Nancy C. Tatum, had obtained a divorce from him before I would accept his attentions with a view to marriage. He learned of the marriage of his said first wife after his marriage to me and he wrote to North Carolina, where he learned she was living, and obtained an abstract of her marriage record, from which it appeared that she was married to a man named Robinson.

The Pension Bureau rejected the claimant's application as the widow of said soldier, it being held that she was not his legal widow. From this decision an appeal was taken to the Secretary of the Interior, who sustained the adverse action, but in the decision used the following language:

However, the evidence shows that claimant lived with soldier faithfully for about thirty-six years, innocent of the fact that she was not his lawful wife. It is a case which appeals to the sympathies; nevertheless, under the law, she has no pensionable status, since she is not the legal widow of the soldier.

Under date of February 20, 1903, this claimant wrote to the chief of police of Richmond, Va., asking for information relative to the soldier's first wife, Nancy C. Robinson, and this letter was returned with an indorsement from the above official to the effect that Mrs. Nancy C. Robinson died some time ago and is buried in Richmond, Va.

This claimant unquestionably married the deceased soldier in good faith, believing that there was no impediment to their marriage. She lived with him faithfully as his lawful wife for more than a third of a century, and there is now no one living who has any possible title to the pension aside from herself.

The testimony accompanying the bill shows that claimant is now about 70 years of age, and without property excepting a little real estate at Jonesboro, Tenn., of the value of about \$380, which brings her in a rental of not more than \$2.50 per month. It further appears that she is a confirmed invalid and able to walk but very little, and then only by the aid of crutches.

After full consideration of all the facts in this case, your committee believe that the case is a proper one for a grant of relief, and the passage of the bill is therefore recommended when amended as follows:

Change the title so as to read: "Granting a pension to Minerva J. Burton."

In line 6 strike out the initial "M." where it appears in the claimant's name and substitute therefor the Christian name "Minerva."

Fill in the blank space on line 7 with the letter "L," and in the same line strike out "Mexican."

In line 8, after the word "war," insert "with Mexico," and in the same line strike out "twelve" and insert "eight."